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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,663	02/23/2004	Kwang Hwee Chua	431 P002	2677

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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/785,663

Applicant(s)

CHUA ET AL.

Examiner

Laura Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 29/164003.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election/Restrictions

Applicant's election of Group I, claims 1-13 in the reply filed on 4/7/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, Applicants recite a breading table in the preamble; however, it is unclear how the table functions as claimed because Applicants have failed to recite supporting legs in the body of the claim. It is suggested that Applicants recite --support legs-- or --supporting legs-- in the body of the claim. Note: Applicants are suggested to add said limitation to the specification too as the legs are already shown in the drawings.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Rae (US 5,479,866).

Rae teaches a portable table apparatus comprising a top surface (area about 12) having a top cut-out section defining an interior chamber (24) adapted to receive a cover member (14) including a bread bin (43; col. 4, lines 39-44), a front surface having a front cut-out section (not numbered) defining an entrance for sliding the cover member in the table interior chamber (24) wherein the bin (43) can be front loaded via said front cut-out section without lifting said bin substantially above said top surface.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Church Jr. et al (US 3,597,035).

Church Jr. et al teach a portable table apparatus comprising a top ledge surface (area about 58) having at least one top cut-out section defining at least one interior chamber (26, 28) adapted to receive a batter bin (not shown; col. 1, lines 60-80), a front surface having a front cut-out section (area to right/left of member 27) defining an entrance for sliding a bin into the interior chamber wherein the bin can be front loaded via said front cut-out section without lifting said bin substantially above said top surface.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Barteau et al (US 3,975,070).

Barteau et al teach a portable table apparatus comprising a top ledge surface (area about 80) having at least one top cut-out section defining at least one interior chamber (not numbered) adapted to receive a predetermined sized food basket or bin (10; col. 4, lines 14-60-80), a front

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surface having a front cut-out section (not numbered) defining an entrance for sliding a bin into the interior chamber wherein the bin can be front loaded via said front cut-out section without lifting said bin substantially above said top surface (See Fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rae (US 5,479,866).

Rae teaches a portable table apparatus as mentioned above and further illustrates the use of a clearance cut-out section (area about 38) to facilitate handling of the removal bin (43). Rae is silent concerning details on the bin in relation to the cut-out section so as to enable a hand to be placed underneath the bin when it is installed. However, it would have been obvious to one of

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ordinary skill in the art to use said cut-out area in order to enable insertion and removal of bin without the need of a tool (i.e., knife or flathead screw driver).

Claims 10, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rae (US 5,479,866) in view of Burnett et al (US 6,505,547).

Rae teaches a portable table apparatus as mentioned above but discloses limited information concerning the removable bin (see col. 4, lines 34-39). Rae is silent concerning the bin having a flange portion thereon. However, it was known in the art, at the time the invention was made, to provide a flange portion on a bread bin to reinforce and engage the bin with a mobile table as evidenced by Burnett et al (see col. 5, lines 33-36). In light of the teachings of Burnett et al, it would have been obvious to one of ordinary skill in the art to provide a flange portion on the Rae bread bin in order to reinforce and engage the bin with the table.

With respect to claim 11, Rae is silent concerning the table having a back or rear surface extending up from the top surface, however, it was known in the art, at the time the invention was made, to provide a back surface extending up from the table to provide a protective hood or covering over the food product in the table as evidenced by Burnett et al (see col. 5, lines 5-15). It would have been obvious to one of ordinary skill in the art to provide a hood or covering as taught by Burnett et al in the apparatus defined by the combination above in order to protect the food from contaminants or from the food splattering against a wall surface against which the table is placed.

With respect to claim 13, Rae illustrates a table having one cover member (14) including a removal bin (43) and does not disclose the table having an additional front and top cut out

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section capable of receiving a second bin. However, in light of the use of the table bin to store a multitude of objects as set forth in col. 4, lines 39-46, it would have been obvious to one of ordinary skill in the art to modify the table as defined by the combination above to provide additional front and top cut out sections at the opposite end of the table to enable an additional cover member including a second storage bin to be provided for additional storage. Furthermore, one of ordinary skill in the art would recognize that in making such a modification to the table to include more storage, the table would also be lengthened so as to enable more seating thereabout.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rae (US 5,479,866) and Burnett et al (US 6,505,547) as applied to claims 10 and 11 above, and further in view of Parker (US 6,811,233).

The teachings of Rae and Burnett et al have been mentioned above but neither teach or suggest the table having back surface fold down shelf. However, it was known in the art, at the time the invention was made, to provide on a food preparation table, a back surface extending from the table surface with a foldable shelf to enable the storage thereon and to enable folding for more space as evidenced by Parker (see abstract and col. 5, lines 14-16). It would have been obvious to one of ordinary skill in the art to incorporate a foldable shelf as taught by Parker in the hood of the apparatus defined by the combination above in order to enable storage of seasonings, eating utensils, or any other necessary items needed for the food.

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Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Church Jr. et al (US 3,597,035) in view of Burnett et al (US 6,505,547).

The teachings of Church Jr. et al have been mentioned above but Church Jr. et al fail to teach or suggest the bin used in the table to include a flange portion. However, it was known in the art, at the time the invention was made, to provide a flange portion on a bread bin to reinforce and engage the bin with the mobile table as evidenced by Burnett et al (see col. 5, lines 33-36). In light of the teachings of Burnett et al, it would have been obvious to one of ordinary skill in the art to provide a flange portion on the bin of Church Jr. et al in order to reinforce and engage the bin with the table.

With respect to claim 13, Church Jr. et al show two front and top cut out sections to receive bins as illustrated in Fig. 1.

Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barteau et al (US 3,975,070) in view of Burnett et al (US 6,505,547).

The teachings of Barteau et al have been mentioned above but Barteau et al fail to teach or suggest the bin used in the table to include a flange portion. However, it was known in the art, at the time the invention was made, to provide a flange portion on a bread bin to reinforce and engage the bin with the mobile table as evidenced by Burnett et al (see col. 5, lines 33-36). In light of the teachings of Burnett et al, it would have been obvious to one of ordinary skill in the art to provide a flange portion on the bin of Barteau et al in order to reinforce and engage the bin with the table.

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With respect to claim 13, Barteau et al show two front and top cut out sections to receive bins as illustrated in Fig. 2.

Allowable Subject Matter

Claims 3-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

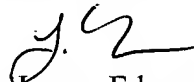
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patent discloses the state of the art with respect to breeding devices: Stewart (US 5,226,354).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura Edwards
Primary Examiner
Art Unit 1734

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April 29, 2005